

REMARKS

I. Status of Claims

Reconsideration and allowance of the claims pending in the application are requested.

Claims 1-29 are pending in the application. Claims 1-29 have been rejected.

Claims 1-2, 5, 10, 28-29 have been rejected under 35 USC 102(e) as being anticipated by U.S. Patent Publication 2003/078,037 A1 to D. T. Auckland et al., published April 23, 2004, filed July 25, 2004 (hereafter, "Auckland").

Claims 3-4 and 6-8 have been rejected under 35 USC 103(a) as being unpatentable over Auckland in view of Specification of the Bluetooth System, Feb. 22, 2001 (hereafter, "Bluetooth").

Claims 11-13 have been rejected under 35 USC 103(a) as being unpatentable over Auckland in view of US Patent Publication 2005/0,037,775 A1 to Moeglein, published February 17, 2005, filed June 25, 2004, (hereafter, "Moeglein") and further in view of the Specification of the Bluetooth System.

Claims 14-16 have been rejected under 35 USC 103(a) as being unpatentable Auckland in view of US Patent Publication. 2003/0108010 A1 to Y. Kim, published June 2003, filed November 15, 2002 (hereafter, "Kim").

Claims 17-20 have been rejected under 35 USC 103(e) as being unpatentable over Auckland in view of US Patent Publication 2002/0151,276 A1 to O. Ito, published October 17, 2002, filed February 15, 2002, (hereafter, "Ito").

Claim 21 has been rejected under 35 USC 103(a) as being unpatentable over Auckland in view of Ito and further in view of Moeglein.

Claims 22-26 have been rejected under 35 USC 103(a) as being unpatentable over Auckland in view of Ito and further in view of the Specification of the Bluetooth System.

Claim 27 has been rejected under 36 USC 103(a) as being unpatentable over Auckland in view of Ito, further in view of the Bluetooth specifications, further in view of Kim.

Applicants have amended the claims to further distinguish the claimed subject matter from the cited art.

Applicants respond to the indicated Paragraphs of the subject Office Action, as follows:

Regarding Paragraph 1:

The Examiner's comments are noted.

Regarding Paragraphs 2/3:

Claim 1:

Claims 1-2, 5, 10 and 28-29 include features not disclosed in Auckland and over come the rejection under 35 US 102 (e) based on the cited reference, as follows:

- (a) “determining by a wireless communicating device (WCD) through a first short-range communications link of a first type whether a remote device is capable of supporting a short-range communications link of a second type; and”

The Examiner contends Paragraphs 2, 85 and 153 of Auckland disclose the claimed feature (a). Paragraph 2 discloses portable devices may communicate on multiple frequency bands using multiple air interface standards. Paragraph 85 discloses a radio may be reconfigured on the fly. As the radio moves to a new location, reconfiguration information may be transferred to the radio in any suitable manner. Paragraph 153 discloses the radio and a base station implement closed loop control of tuning. The radio determines a transmission frequency parameter. The transmission parameter may be retrieved from storage at the radio or from a radio link conveying the parameter information. The radio begins transmission in accordance with the parameter.

Applicants can find no disclosure in the cited Paragraphs, wherein a wireless communicating device through a first radio link of a first type determines whether a remote device is capable of supporting a short range link of a second type, as described in Applicants' specification at Paragraphs 14, 50 and 59. Paragraphs 2, 85 and 13 of Auckland disclose the radio determines and moves to a new channel on its own without regard to the base station input. Auckland fails to disclose the claimed feature (a), and does not support the rejection of claim 1 under 35 USC 102 (e).

- (b) “exchanging information by the WCD with the remote device across the first communications link to establish a second short-range communications link between the WCD and the remote device, wherein the second short-range communications link is of the second type.”

The Examiner contends that Paragraphs 147 and 188 of Auckland disclose the claimed feature (b). Paragraph 147 discloses a base station may instruct a radio station to switch to another frequency band with a different interface standard, e.g. CDMA to GSM. Paragraph 188 discloses a subscriber may request a base station for resource on another channel and the base station chooses resources for the request.

Applicants can find no disclosure in the cited Paragraphs wherein there is an exchange of information between the wireless communication device and the base station or remote wireless device across a first communication link of a first type to establish a second communication link where the second communication link is of a second type. Paragraph 147 discloses the base station directs the radio to switch channels without exchanging information. Paragraph 188 discloses the radio or first device requests or directs the establishment of a new channel without an exchange of information. In contrast, applicants specification at Paragraphs 10 and 14 disclose a wireless device and a remote device coupled together on a first link exchange information regarding the transfer to a new link of a different type. Auckland fails to disclose claimed feature (b), and does not support the rejection of claim 1 under 35 USC 102 (e).

Claim 2:

The Examiner contends that claim 2 is anticipated by Paragraph 147 of Auckland which discloses a base station directing a radio to switch to a new frequency. Applicants can find no disclosure in Auckland where the base station and the radio communicate after establishment of a second link.

Claim 5:

The Examiner contends Paragraph 160 of Auckland discloses claim 5. Paragraph 160 discloses a third party sells air time on two autonomous networks. Paragraph 160 does not

disclose the two autonomous networks communicate with one another over a second link, as described applicants' specification at Paragraphs 0012 and 0060.

Claim 10:

Claim 10 further describes claim 1 and is patentable over Auckland on the same basis as claim 1.

Claims 28-29:

Claims 28 and 29 have been amended in the manner of claim 1 and are patentable over the cited art for the same reasons as indicated for claim 1.

Regarding Paragraph 4/5:

Claims 3-4 and 6-8 include features not disclosed or suggested in Auckland in view of the Bluetooth specification of February 22, 2001 or Moeglein and overcome the rejection under 35 USC 103 (a) based upon the cited references, as follows;

Claim 3:

The Examiner contends that Auckland at Paragraph 161 discloses a Bluetooth link and a UWB link at Paragraph 188. Further, the Bluetooth Specification at Volume 1, page 207 describing LMP Supported Features and 232 describing Connection Establishment. The cited pages disclose a paging unit and a paged unit establishing a connection. The cited pages do not disclose or suggest a LMP protocol directing a UWB device to transmit over a UWB link after receiving a LMP message over the Bluetooth link. The cited references, in combination, fail to disclose the claimed subject matter of transmitting a message over a first link wherein the message directs a receiver to transmit over a second link. In any case, claim 3 further limits claim 1 and is patentable over the cited art on the same basis as claim 1.

Claim 4:

The Examiner contends Auckland teaches all the limitations of claim which applicants have rebutted in the consideration of claim 3. The examiner further contends that the Bluetooth

Specification teaches one or more TWB parameters to start a connection. LMP pages 232 and 233 disclose pairing of the paging unit and the paged unit not the paging unit with a second or non-paged device.

Claim 6:

Claim 6 is patentable over the cited art on the same basis as claim 1 from which it depends.

Claim 7:

Claim 7 is patentable over the cited art on the same basis as claim 1 from which it depends.

Claim 8:

Claim 8 is patentable over the cited art on the same basis as claim 1 from which it depends.

Claim 9:

Auckland does not describe the features of claim 1 for reasons previously discussed in the consideration of claim 1. Moreover Moeglein does not supply the missing features in claim 1. Further, Moeglein in Paragraph 76 discloses a combined transceiver locating the position of a wireless access point through a GPS receiver by extracting timing information while the other transceiver communicates using Bluetooth protocols. Applicants can find no disclosure in Moeglein of the GPS receiver employing the slot structure of Bluetooth, as described by applicants' specification at Paragraph 98.

Regarding Paragraph 6:

Claims 11-13 include features not disclosed or suggested in Auckland in view of Moeglein and the Bluetooth Specification of September 22, 2001, and overcome the rejection under 35 USC 103 (a) based on the cited references, as follows:

Claim 11:

The Examiner contends that Auckland in view of Moeglein at Paragraph 76 teaches all the limitations of claim 10 from which claim 11 depends.

Moeglein in Paragraph 76 discloses a combined receiver 305 shown in Figure 3. Applicant can find no remote device in a combined receiver. Nor does Paragraph 76 disclose either the GPS receiver 321 or the communication receiver 332 using a Bluetooth paging process as described by applicants' specification at Paragraph 54.

Claim 12:

The Examiner acknowledges that Auckland does not teach the claimed features (1) and (2) of claim 12. However, the Examiner contends the Bluetooth specification at pages 232-233 discloses the claimed features (1) and (2), and the combination of pages 232-233 with Auckland would be obvious to a worker skilled in the art. Yet, the Examiner has not identified and applicants can not find in the cited pages, where the acknowledgement for a second link is over a first connecting link, as described in applicants' specification at Paragraph 0064.

Claim 13:

The Examiner contends that Bluetooth pages 207 and 233-234 disclose sending a LMP message to a remote device over the first link inquiring whether the remote device desires to establish the second UWB link. The Examiner has not identified nor can applicants find in the cited pages where the cited pages describe the first device inquiring of the second device's interest in establishing a different connection with the first device.

Regarding Paragraph 7:

Claims 14-16 include features not disclosed or suggested in Auckland in view of Kim and overcome the rejection under 35 USC 103 (a) based upon the cited references, as follows:

Claim 14:

The Examiner contends Auckland teaches all the features of claim 14 except for the first device sending a LMP message to a remote device requesting packet type information

identifying supported links and packet types. However, the Examiner further contends that KIM discloses packet types and selecting a packet type in a Bluetooth environment for minimum transmission time and maximum efficiency. The Examiner has not identified nor has applicants found where Kim discloses or suggests sending a LMP message identifying a packet type describing supported links by a remote device.

Claim 15:

The Examiner contends that Auckland teaches the second link is a UWB. Applicants' disagree. Applicants' submit Auckland teaches only one link which may be of several types including UWB. The Examiner has not identified in Auckland or Kim where two different connections are establish between two devices, as described by applicants' specification at Paragraphs 0060-0072.

Claim 16:

Claim 16 further limits claim 15 and is patentable over the cited art on the same basis as discussed in connection with the consideration of claim 15.

Regarding Paragraph 8:

Claims 17-20 include features not disclosed or suggested in Auckland and Ito, and overcome the rejection under 35 USC 103 (a) based upon the cited references, as follows:

Claim 17:

The Examiner contends that Auckland teaches claim 17, except for a host establishing a first and a second link and causing an exchange of information with a remote device across the first link including parameters of the second link. However, the Examiner further contends that Ito in Figure 1, items 4A-4D and Paragraph 28 discloses the claimed feature.

Ito in Paragraph 28 discloses a wireless communication device 3 installed in each host device 4. Communication devices 2 communicate with the wireless devices 3. The communication devices 2 serve as a gateway to a public communication network. The wireless device shown in Fig 2 and described in Paragraph 0039 only transmits in the Bluetooth system.

Applicants can find no disclosure in Ito wherein the device 3 transmits over transmission links of different types. In contrast, applicants' specification at Paragraph 32 discloses devices 102 and 104 transmit over short range links of different types i.e. Bluetooth and ultra Wide Band.

Claim 18:

Claim 18 further limits claim 17 and is patentable over the cited references on the same basis as claim 17.

Claim 19:

The Examiner contends Auckland at Paragraph 188 discloses a UWB link. Applicants' submit the Examiner has not identified the UWB link as a second link to an existing Bluetooth link.

Claim 20:

The Examiner contends that Auckland at Paragraphs 161 and 188 disclose the first and second communication links. However, the Examiner has not identified in the cited art where both links are serving the host and remote devices, as described in applicants' specification at Paragraphs 60 -71.

Regarding Paragraph 9:

Claim 21 includes features not disclosed or suggested in Auckland in view of Ito and Moeglein and overcomes the rejection under 35 USC 103 (a) based upon the cited references, as follows:

Claim 21:

Auckland and Ito fail to disclose the subject matter of claim 20 for reasons indicated in connection with the consideration of claim 20. Moeglein fails to disclose the slot structure of claim 21 for reasons previously indicated in connection with the consideration of claim 9

Regarding Paragraph 10:

Claims 22-26 include features not disclosed or suggested in Auckland in view of Ito and in further view of the Bluetooth Specification of September 21, 201, and overcome the rejection under 35 USC 103 (a) based upon the cited references, as follows;

Claim 22:

Claim 22 further limits claim 20 and is patentable over the cited references on the same basis as claim 20 from which it depends.

Claim 23:

Applicants have amended claim 23 to include a new command “LMP_switch_to_UWB_link_req”, which instructs the UWB link to receive UWB transmission. Applicants’ can find no disclosure in the cited references for switching transmission from one link to a different link, as described in applicants’ specification at Paragraph 0069.

Claim 24:

Claim 24 further limits claim 23 and is patentable over the cited references on the same basis as claim 23.

Claim 25:

Claim 25 further limits claim 22 and is patentable over the cited art for the reasons indicated in connection with the consideration of claim 12.

Claim 26:

Claim 26 has been amended to describe the LMP messages determining whether a remote device is capable of supporting both the Bluetooth link and the UWB link. Applicants’ can find no disclosure in the cited references describing the amended claimed feature.

Regarding Paragraph 11:

Claim 27 includes features not disclosed or suggested in Auckland in view of Ito , in further view of the Bluetooth Specification of September 21, 2001, and in further view of Kim and overcomes the rejection under 35 USC 103 (a) based upon the cited references, as follows

Claim 27:

Claim 27 further limits amended claim 26 and is patentable over the cited art for the same reasons indicated in connection with the consideration of claim 26.

CONCLUSION

Applicants have amended claim 1, 2, 5, 13, 17, 20, 23, 25, 26, 28 and 29 to further distinguish the claimed subject matter from the cited references, taken alone or in combination. . Entry of the amendment, allowance of the pending claims 1-29 and passage to issue of the application are requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4144.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4144.

Respectfully submitted,
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